

ACTION MINUTES OF THE SAINT PAUL CITY COUNCIL Wednesday, December 12, 2007 - 3:30 p.m.

CITY COUNCIL CHAMBERS, 3RD FLOOR City Hall and Court House 15 West Kellogg Boulevard

Mary Erickson - 651-266-8565 Pattie Kelley - 651-266-8630 Office of the City Council

Present – 7 – Benanav, Bostrom, Harris, Helgen, Lantry, Montgomery, Thune Absent – 0 –

CONSENT AGENDA (Items 1 - 30)

NOTE: ALL ITEMS LISTED UNDER CONSENT AGENDA WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS. IF DISCUSSION IS DESIRED BY A COUNCILMEMBER, THAT ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

COMMUNICATIONS AND ADMINISTRATIVE ORDERS

1. Claims of Joe E. Baltierrez, Delaney Company, LLC, Joseph Harlow, Meagan M. Halverson, and David C. Yasis.

Referred to Risk Management

2. Summons and Complaint in the matter of the St. Paul Police Federation vs. the City of Saint Paul, et al.

Referred to the City Attorney's Office

- 3. Letter from the Department of Safety and Inspections announcing a public hearing before the City Council on December 19, 2007 to consider the appeal of David Roering, owner, to a decision of the Heritage Preservation Commission conditionally approving construction of a four-stall garage provided two front yard curb cuts and driveways be removed at 615-617 Holly Avenue, Hill Historic District. [File No. 08-014]
- 4. Letter from the Office of the City Attorney announcing a public hearing before the City Council on December 19, 2007 to consider all licenses held by ALIS, Inc., 43 Seventh Street West.

- 5. Letter from the Department of Planning and Economic Development announcing a public hearing before the City Council on January 2, 2008 to consider the application of Randolph Hill, LLC to rezone property at 1094 Randolph Avenue (block bounded by Randolph, Lexington, Juno, and I 35E) from RM2 Medium-Density Multiple-Family Residential and R2 One-Family Residential to TN2 Traditional Neighborhood. [Zoning File 07-179-230]
- 6. Letter from the Department of Planning and Economic Development announcing a public hearing before the City Council on January 2, 2008 to consider the appeal of Gloria Gonzalez to a decision of the Planning Commission denying a conditional use permit for auto sales and auto detailing at 1229 Payne Avenue (southwest corner at Hawthorne Avenue). [ZF 07-207-141]

FOR ACTION

7. Resolution – 07-1162 – Approving the January 1, 2008 through December 31, 2010 Collective Bargaining Agreement between the City of Saint Paul and AFSCME – Legal, Local 3757. (To be laid over one week for adoption) (GS 3046595)

Laid over to December 19 for adoption

8. Resolution – 07-1163 – Approving the appointment of Elizabeth Frosch, by Mayor Coleman, as an Assistant to the Mayor I effective November 26, 2007. (GS 3046774)

Adopted Yeas - 7 Nays - 0

9. Resolution – 07-1164 – Approving the transfer of the Great Northern Business Center, Phase I, Area Development Rate Zone to the Phalen-Atlantic (Globe and Griffin Redevelopment Sites). (GS 3047053)

Adopted Yeas – 7 Nays - 0

10. Resolution – 07-1165 – Approving a change in the rate of pay for the classification of Labor Relations Specialist II from Grade 016 to Grade 019 of Employee Group 17, the Non-Represented City Managers Salary Schedule. (GS 3046650)

11. Resolution – 07-1166 – Encouraging the Congress of the United States to act with all due haste and foresight to provide for the permanent exemption of the historic Delta Queen steamboat from the provisions of the Safety at Sea Act. (GS 3047132)

Adopted Yeas - 7 Nays - 0

12. Resolution – 07-1167 – Authorizing the Department of Fire and Safety Services to enter into an agreement with Dakota County Technical College to provide an Emergency Response Driving course to firefighters. (GS 3046452)

Adopted Yeas – 7 Nays - 0

13. Resolution – 07-1168 – Accepting reimbursement of \$1,075.00 in staff time from the Como Zoo and Conservatory (CZCS) for volunteer coordination efforts as part of the Como Woodland Outdoor Classroom project. (GS 3046476)

Adopted Yeas - 7 Nays - 0

14. Resolution – 07-1169 – Authorizing execution of a lease agreement between the Board of Water Commissioners and T-Mobile Central, LLC allowing installation and operation of a wireless communication system at the Board's Cottage Avenue Standpipe site at 2095 Clear Avenue. (GS 3046770)

Adopted Yeas - 7 Nays - 0

15. Resolution – 07-1170 – Approving the use of Ward 3 Neighborhood Investment Initiative Program Funds for enhancements to the Michael Benjamin Glaser Community Playground. (GS 3047071)

Adopted Yeas - 7 Nays - 0

16. Resolution – 07-1171 – Executing two new District Energy Notes in the total amount of \$13,815,274.46. (GS 3047055)

Adopted Yeas - 7 Nays - 0

17. Resolution – 07-1172 – Approving the application with conditions, per the Legislative Hearing Officer, for a Cabaret – Class A license for Gladstone Stenson, President, Davanni's, Inc., d/b/a Coffee Bene, 53 Cleveland Avenue South. (GS 3047054)

18. Resolution – 07-1173 – Amending the license conditions, per the Legislative Hearing Officer, for Bilco, Inc., d/b/a Billy's on Grand, 857 Grand Avenue. (GS 3047056)

Adopted Yeas - 7 Nays - 0

19. Resolution – 07-1174 – Approving adverse action against the Cigarette/Tobacco license held by Skorte, Inc., d/b/a Korte's Super Market, 1326 Randolph Avenue. (GS 3045931)

Adopted Yeas – 7 Nays - 0

20. Resolution – 07-1175 – Approving adverse action against the Second Hand Dealer-Motor Vehicle license held by St. Paul Auto Sales, Inc., 605 Como Avenue. (GS 3046936)

Adopted Yeas - 7 Nays - 0

21. Resolution – 07-1176 – Memorializing City Council action taken November 21, 2007 denying the appeal for property at 906 Thomas Avenue, per the recommendation of the Legislative Hearing Officer. (GS 3046671)

Adopted Yeas – 7 Nays - 0

22. Resolution – 07-1177 – Memorializing City Council action taken November 21, 2007, denying the appeal of Mr. Galaleldin Hussein to a decision of the Planning Commission denying a conditional use permit for outdoor auto sales at 373 Ruth Street North. [ZF 07-169-078] (GS 3046950)

Adopted Yeas - 7 Nays - 0

23. Resolution – 07-1178 – Memorializing City Council action taken November 21, 2007, adopting the recommendation of the Administrative Law Judge and dismissing adverse action against all licenses held by Hmong American Partnership, d/b/a Hmong American Partnership, 1075 Arcade Street. (GS 3046690)

24. Resolution – 07-1179 – Memorializing City Council action taken November 21, 2007 denying the appeal on the Correction Notice; granting the appeal on the excessive consumption charges; and denying the appeal on the Vehicle Abatement Order, but granting an extension to November 23, 2007 to come into compliance at 1604 Point Douglas Road S., per the recommendation of the Legislative Hearing Officer. (GS 3046672)

Adopted Yeas - 7 Nays - 0

- 25. Resolution 07-1180 Memorializing City Council action taken November 21, 2007 imposing adverse action against the Restaurant (A) 0-12 Seats license held by Issam Alhuniti, d/b/a Chicago Submarine, 614 Selby Avenue. (GS 3046752) Adopted Yeas 7 Nays 0
- 26. Resolution 07-1181 Authorizing the Police Department to enter into a Joint Powers Agreement with the Minnesota Coalition for Battered Women to provide training on domestic and sexual abuse in later life to law enforcement and judicial personnel. (GS 3046092)

Adopted Yeas - 7 Nays - 0

27. Resolution – 07-1182 – Authorizing the Police Department to enter into a Joint Powers Agreement with the State of Minnesota, acting through its Second Judicial District Court Administrator, which would allow the Saint Paul Police Impound Lot to collect snow emergency parking violation citation fines for a three-year period, on behalf of the Second Judicial District Court, and the Saint Paul Police Impound Lot. (GS 3046651)

Adopted Yeas - 7 Nays - 0

28. Resolution – 07-1183 – Establishing a 2007 financing and spending plan for the 2007 Justice Assistance Grant (JAG) which provides additional funding for law enforcement. (GS 3045811)

Adopted Yeas - 7 Nays - 0

29. Resolution – 07-1184 – Approving the financing and spending plan for the 2007 Police Recruit Academy. (GS 3046394)

30. Resolution Approving Assessment – 07-1185 – In the matter of the assessment of benefits, cost, and expenses for demolition of vacant buildings at 335 Charles Avenue and 1985 Juliet Avenue during November 2007 [J0713C]; summary abatements (graffiti removal) on private properties from October 26 to November 7, 2007 [J0708P]; boarding up vacant buildings at 635 Sims Avenue and 627 Bush Avenue during June and July, 2007 [J0706B1]; boarding up vacant buildings during September, 2007 [J0708B]; summary abatements (property cleanups) on private properties from October 31 to November 15, 2007 [J0718A]; providing weekly garbage hauling services from November 2 to November 15, 2007 [J0718G]; and setting date of Legislative Hearings for January 3, 2008, and City Council public hearings for February 20, 2008. (GS 3046810)

Adopted Yeas – 7 Nays - 0

PUBLIC HEARINGS

31. Resolution – 07-931 – Extending Residential Permit Parking in Area 7 to include Smith Avenue from West Seventh Street to Goodrich Avenue and Goodrich Avenue from Smith Avenue to the dead-end east of Leech Street, and changing all of Permit Area 7 to "No Parking Except by Permit." (Substitute introduced and public hearing continued from December 5) (GS 3044090)

Adopted Yeas – 6 Nays – 1 (Harris)

32. Resolution – 07-1156 – Ordering the owner to remove or repair the building at 610 Magnolia Avenue East within fifteen (15) days from adoption of resolution. (Public hearing continued from December 5) (GS 3045132) (Legislative Hearing Officer's recommendation is forthcoming)

Public hearing continued to December 19 Yeas – 7 Nays - 0

FOR DISCUSSION

33. Resolution – 07-1054 – Approving action taken by the Board of Water Commissioners establishing water rates for 2008. (Public hearing held and laid over from November 21) (GS 3044992)

Adopted Yeas – 7 Nays - 0

34. Resolution – 07-1055 – In the matter of the assessment of benefits, cost, and expenses for right-of-way maintenance in 2008. (Public hearing held and laid over from November 21) (GS 3043097)

35. Resolution – 07-1056 – Setting 2008 Sanitary Sewer Rates and 2008 Storm Sewer System Charges. (Public hearing held and laid over from November 21) (GS 3044652)

Adopted Yeas – 7 Nays - 0

36. Resolution – 07-1057 – Increasing the Sewer Availability Charge (SAC) from \$1,675 per SAC unit to \$1,825 per SAC unit beginning in January, 2008. (Public hearing held and laid over from November 21) (GS 3045141)

Adopted Yeas - 7 Nays - 0

37. Resolution – 07-1186 – Approving the 2008 Board of Water Commissioners Budget. (GS 3046931)

Adopted Yeas – 7 Nays - 0

38. Resolution – 07-1187 – Approving the 2008 Saint Paul RiverCentre Convention and Visitors Authority Budget. (GS 3046939)

Adopted Yeas - 7 Nays - 0

39. Resolution – 07-1188 – Approving the 2008 Saint Paul Library Agency Budget. (GS 3047130)

Adopted Yeas - 7 Nays - 0

40. Resolution – 07-1189 – Approving the Saint Paul Housing and Redevelopment Authority (HRA) 2008 Budget and Property Tax Levy payable in 2008.

Substitute Resolution Adopted Yeas – 7 Nays - 0

41. Resolution – 07-1190 – Adopting the 2008 City of Saint Paul Annual Tax Levy. (GS 3046938)

Substitute Resolution Adopted Yeas – 5 Nays – 2 (Harris, Montgomery)

42. Resolution – 07-1191 – Adopting the 2008 City of Saint Paul Annual Budgets. (GS 3046937)

Adopted Yeas - 7 Nays - 0

43. Resolution – 07-1192 – Designating Proposed Changes in Policies and Reporting, and other Council issues from the 2008 Dollar List.

Laid over to December 19 Yeas – 7 Nays - 0

ORDINANCES

NOTE: AN ORDINANCE IS A CITY LAW ENACTED BY THE CITY COUNCIL. IT IS READ AT FOUR SEPARATE COUNCIL MEETINGS AND BECOMES EFFECTIVE AFTER PASSAGE BY THE COUNCIL AND 30 DAYS AFTER PUBLICATION IN THE <u>SAINT PAUL LEGAL LEDGER</u>.

44. Final Adoption – 07-966 – An ordinance amending Chapter 310 of the Saint Paul Legislative Code to increase license fees (except restaurants and on-sale liquor) to reflect the current level of service. (Substitute introduced and laid over December 5) (GS 3044691)

Adopted Yeas - 7 Nays - 0

45. Final Adoption – 07-967 – An ordinance amending Chapter 310 of the Saint Paul Legislative Code to increase license fees for restaurants and on-sale liquor to reflect the current level of service. (Substitute introduced and laid over December 5) (GS 3044700)

Adopted Yeas – 7 Nays - 0

46. Final Adoption – 07-992 – An ordinance amending Chapter 345 of the Saint Paul Legislative Code (Peddlers, Solicitors and Transient Merchants) to ensure safety outside entertainment venues and to clarify other requirements. (Substitute introduced December 5) (GS 3044330)

Adopted Yeas - 7 Nays - 0

47. Final Adoption – 07-1106 – An ordinance amending Chapter 64 of the Saint Paul Legislative Code to permit the conversion of legal nonconforming billboards to ones with "dynamic displays," i.e., electronic billboards, in exchange for permanently removing traditional billboards, and also to regulate the locations and operating standards for billboards with dynamic displays. (Substitute introduced December 5) (GS 3046312)

Adopted Yeas - 7 Nays - 0

48. Final Adoption – 07-1107 – An ordinance amending Chapter 161 of the Saint Paul Legislative Code to permit snow emergency tags to be written by Final Adoption party vendors and to delete obsolete references to Ramsey County Municipal Court. (GS 3046094)

49. Final Adoption – 07-1108 – An ordinance granting the District Heating Franchise, held by the District Energy St. Paul, Inc., for a period of twenty years, ending in 2027. (Amended December 5) (GS 3046330)

Adopted Yeas - 7 Nays - 0

50. Final Adoption – 07-1109 – An ordinance granting the District Cooling Franchise, held by the District Energy St. Paul, Inc., for a period of twenty years, ending in 2027. (Amended December 5) (GS 3046332)

Adopted Yeas - 7 Nays - 0

- 51. Second Reading 07-1147 An ordinance amending Chapter 198 of the Saint Paul Legislative Code to ban ownership of the seven subspecies of the marsupial, Petaurus Breviceps, commonly referred to as "sugar gliders." (GS 3046572)

 Substitute ordinance introduced and laid over to December 19 for third reading / public hearing
- 52. Second Reading 07-1148 An ordinance amending Chapter 65.774 of the Saint Paul Legislative Code, Malt Liquor Manufacturing, by permitting the use in the B2 Community Business District and permitting the sale of malt liquor at retail on the site where it is manufactured; and amending the use table in Chapter 66.421 adding malt liquor manufacturing as a permitted use in Table 66.421. (GS 3046775)

Laid over to December 19 for third reading / public hearing

53. First Reading – 07-1193 – An ordinance amending Chapter 409.21 of the Saint Paul Legislative Code to allow sales of gambling equipment within a leased premises by an employee of the lessor from a common area where food and beverages are sold. (GS 3047030)

Laid over to December 19 for second reading

54. First Reading – 07-1194 – An ordinance amending Chapter 33 of the Saint Paul Legislative Code, Building Code and Inspection, as it relates to Certificate of Code Compliance. (GS 3046791)

Continued to December 26 for first reading of ordinance

55. First Reading – 07-1195 – An ordinance amending Section 409.15 of the Saint Paul Legislative Code by deleting on-sale wine license fee amounts and referring to Chapter 310. (GS 3047051)

Laid over to December 19 for second reading